



Arkansas Community Correction

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ADMINISTRATIVE DIRECTIVE: 17-34 Code of Ethics and Rules of Conduct

TO: Arkansas Community Correction Employees

FROM: Sheila Sharp, Director

SUPERSEDES: AD 16-09

APPROVED: Signature on File

EFFECTIVE: July 17, 2017

I. APPLICABILITY. This policy applies to Arkansas Community Correction (ACC) employees. In a manner generally interpreted to be appropriate, this policy also applies to ACC agents. Agents include volunteers, interns, contractors and vendors. (4-APPFS-3C-02)

II. POLICY.

It is ACC policy to create and maintain a secure, professional, and productive work environment, where employees and agents conduct themselves in a manner that does not impair ACC operations and does not compromise their authority or erode public confidence. Employees and agents are expected to obey laws and departmental policies; uphold generally recognized standards of professional ethics and conduct as described in this directive; and demonstrate respect for the safety, rights, and dignity of others.

III. GUIDANCE. The Code of Ethics and Rules of Conduct, at Attachment 1, represents ACC's commitment to ethical and efficient provision of services. It describes the expected behavior of ACC employees and agents. The agency encourages people to focus on positive character traits and actions to serve as positive role models for offenders. Supervisors must provide a copy or access to a copy of this policy initially and again during performance reviews. Employees must review this policy annually prior to signing their performance evaluation.

IV. ATTACHMENTS.

Attachment 1 Code of Ethics and Rules of Conduct

**Arkansas Community Correction
CODE OF ETHICS AND RULES OF CONDUCT**

CODE OF ETHICS

As an ACC employee or agent I will adopt and uphold the agency's ethics as follows:

1. I will strive to enhance public safety by enforcing state laws and court mandates through community partnerships and evidence-based programs that hold offenders accountable while engaging them in opportunities to become law-abiding, productive citizens.
2. I will make a dedicated effort to conduct my official and private life in a manner that fosters public confidence in me and ACC.
3. I will adhere to agency policy.
4. I will follow applicable directives of the Arkansas Board of Corrections and Arkansas Parole Board.
5. I will develop and encourage relationships with colleagues to promote mutual respect within the profession and to enhance service quality.
6. I will follow law and policy regarding confidentiality and release of public records.
7. I will manage each case with appropriate concern for both the offender and public safety.
8. I will uphold the civil and legal rights of all individuals.
9. I will respect, promote and contribute to a work place that is safe, healthy and free of harassment in any form.
10. I will report any illegal or unethical behavior that could affect either an offender or the agency.
11. I will comply with law and policy pertaining to procurement, campaigning, lobbying, and political activities.
12. I will refrain from making public statements critical of colleagues or the agency that create disharmony, are disruptive, undermine operations, or impair working relationships within the agency or with other entities.
13. I will comply with law and agency policy pertaining to sexual behavior.
14. I will NOT discriminate against any employee, prospective employee, or offender on the basis of race, color, religion, sex (including pregnancy), national origin, age (40 or older), disability or genetic information.
15. I will NOT use my official position to secure personal privileges or advantages for myself or others.
16. I will NOT solicit or accept any gift, favor or preferential treatment that could be interpreted as influencing my judgment or decisions in the performance of my duties.
17. I will NOT enter into any formal or informal activity or agreement that presents a conflict of interest or is inconsistent with the conscientious performance of my duties.

(4-APPFS-3C-02)

RULES OF CONDUCT

- R-1. Punctuality.** An employee must be punctual in all of his or her official engagements.
- R-2. Reporting for Duty.** An employee must report for duty at the time and place required by assignment or orders and must be physically and mentally fit to perform his/her duties. A non-exempt employee may not work beyond his/her regular day without prior supervisory approval. He/she must be properly equipped and cognizant of information required for proper performance of duty so that he/she may immediately assume his/her duties.
- R-3. Area of Assignment.** An employee assigned a Community Correction Center function must not leave any post, assignment, duty, or area without permission from his/her supervisor.
- R-4. Absenteeism.** An employee must not falsely report illness or injury, misuse sick leave or otherwise deceive or attempt to deceive agency officials about his/her health.
- R-5. Work Performance.** In fulfilling job responsibilities, an employee must act competently, with reasonable diligence, and a commitment to professional service. An employee has a duty to fully understand his or her job responsibilities and is obligated to seek assistance from superiors in matters of technicality or principle when unclear. Dereliction of duty or misrepresenting job performance violates this standard and subjects an employee to disciplinary action.
- R-6. State Property.** State property must be used only for State business. Employees and agents must accept responsibility for the proper care, accountability, and maintenance of State property. Employees and agents must not misuse, abuse, or allow misuse or abuse of State property.
- R-7. Gathering and Processing Property and Evidence.** Property or evidence that has been discovered, gathered or received in connection with ACC responsibilities will be processed in accordance with established ACC procedures. An employee or agent must not convert to his or her own use, or manufacture, conceal, falsify, destroy, remove, tamper with, or withhold any property or evidence.
- R-8. Employee Telephone Numbers.** An employee must notify his or her supervisor within seventy-two (72) hours of a change in the employee's home/cell telephone number. Employees must not give other employees' non-work telephone numbers to non-employees.
- R-9. Changes in Employee's Personal Information and Attributes.** Employees must promptly notify their supervisor of changes in phone numbers, address, emergency contacts, and any attributes associated with the Arkansas Continuity of Operations (ACOO) program.
- R-10. Attentiveness.** An employee must remain alert at all times during business hours.
- a. **Prohibition of Sleeping.** An employee must remain awake while on duty. If unable to do so, and in danger of falling asleep, he or she must report to a supervisor, who must immediately release the employee from duty, and place him/her in appropriate leave status pending further supervisory review and appropriate action.
 - b. **Inattentiveness.** While on duty, an employee must not engage in any activities or personal business that causes him or her to neglect or be inattentive to his or her assigned tasks.

- R-11. Insubordination.** An employee must promptly obey any lawful order of and follow all reasonable instructions issued by a supervisor or superior.
- R-12. Truthfulness.** An employee or agent responding to various persons involved in agency fact-finding or other internal or external administrative processes must cooperate fully and truthfully. Reports submitted by an employee must be truthful, complete, timely, and in accordance with established ACC report writing procedures. No employee or agent must knowingly enter or cause to be entered inaccurate, false or improper information nor improperly alter or intentionally omit pertinent information on any document prepared in the performance of his/her job duties.
- R-13. Abuse of Process/Retaliation.** An employee or agent must not knowingly make false accusations of misconduct or initiate any action against other employees, agents or offenders in retaliation for their filing of a lawsuit, grievance, report (to include a report filed on alleged infractions), cooperation with an investigation, or for any other purpose.
- R-14. Garnishments and Unresolved Debt.** Employees are expected to honor their legal debts and avail themselves of services such as debt counseling to avoid garnishments. Failure to honor debts acknowledged by an ACC employee to be valid or reduced to judgment by a court is a rule of conduct violation. Multiple garnishments, for different debts, against an employee's wages will subject an employee to progressively more severe disciplinary action. Four garnishments - each for a different debt - within a two-year period are grounds for an employee's termination. If a garnishment is the result of another person's failure to honor a debt (for example, employee co-signed for a relative), disciplinary action may be reduced accordingly. However, ACC will in no circumstance act as a collection agency or determine the validity or amount of contested debts.
- R-15. Possession and Use of Drugs.** Employees and agents must not possess or use any controlled substance in violation of state or federal law or ACC policy. Employees and agents taking prescription drugs must notify their immediate supervisor of any physical or pharmacological condition that causes physical or cognitive impairment that could affect their ability to perform the essential functions of their duties safely. Impairment is considered to be a condition that can affect judgment, reaction time, or motor skills, as it may affect the ability to perform certain duties safely and proficiently or to operate a motor vehicle safely. In instances where an employee or agent believes and/or medical personnel indicate that a medication may affect judgment and/or reaction time, authorization to perform certain essential duties and/or operate a motor vehicle will be suspended. Authorization will be reinstated upon the cessation of the effects of the medication. An employee may be required to take sick leave if the medication prevents the employee from doing his or her job.
- R-16. Use of Alcohol While on the Job.** Employees and agents must not perform duties under the influence of alcohol nor consume alcohol during work hours, on or off state-owned or state leased property, including lunch and break periods.
- R-17. Citizen Complaints and Information Requests.** An employee must courteously and promptly accept, and if needed record in writing, a citizen's request for information or a complaint/concern about the agency, any ACC employee, or an offender under ACC supervision. An employee may attempt to resolve a complaint, but must never attempt to dissuade any citizen from lodging a complaint and must immediately inform his or her supervisor of any complaint. All requests for information must be handled pursuant to ACC policy/procedure and state and federal law.

R-18. Conduct Toward All Persons. ACC subscribes to a policy of professionalism, equality and fairness in the provision of services and the discharge of authorized duties. An employee or agent must respect and protect the civil and legal rights of all persons. Employees and agents must treat offenders with dignity and must not verbally, physically or mentally abuse them or subject them to corporal punishment, humiliation, or punitive interference with their daily functions of living, such as eating or sleeping. The use of corporal punishment is contrary to humane standards of care and professional correctional practices and as such is absolutely prohibited. Corporal punishment is striking, pushing, shoving, kicking, improperly using chemicals, or engaging in any act to cause bodily pain and discomfort to an individual for the purpose of disciplining or correcting that individual's behavior. This provision in no way prohibits a staff member or agent from using that force necessary to protect him/herself from injury or to prevent injury to other employees, agents, or residents. This provision in no way prohibits an employee from preventing property damage or escape or achieving compliance with a reasonable and lawful order. (4-ACRS-6A-03)

R-19. Abusive/Intimidating Behavior and Harassment. Physical abuse of other employees, agents, offenders, or other persons is prohibited. Fighting, assault, battery, threats, abusive language, intimidation, sexual misconduct, sexual abuse, sexual harassment, non-sexual harassment, reckless or disorderly conduct or conduct that places employees, agents or other persons in fear of harm is prohibited. An employee or agent must not bargain with other employees or agents for sexual favors, nor make or infer job benefits or advantages contingent upon acceptance of such an offer. Employees and agents must not act in a way that creates or contributes to an intimidating, hostile, or offensive work environment. Employees and agents must refrain from behaviors or speech that a reasonable person would consider to be unwelcome or offensive. (4-ACRS-6A-05)

R-20. Firearms and Other Weapons. The unauthorized possession of firearms, explosives, or other weapons during work hours is prohibited. This applies to employees and agents.

R-21. Social Media. Even when not at work or on duty, ACC employees and agents remain representatives of ACC. As such, they must act responsibly when making public comments and when using social media and other networked communication platforms such as Facebook, Myspace, Twitter, Instagram, Snapchat, YouTube, blogs, and forums. Employees are free to express themselves on social media within the scope of policy guidance, but they should be aware that posts on social media may compromise their safety and the safety of others and posts may be used to discredit them in court.

Employees and agents will be held accountable for the content that appears on their social media or social networking sites whether or not the content was posted by the individual.

Examples of content that must not be posted on social media or on networked communication platforms include:

- Prohibited: Posting content that is inconsistent with the ACC Code of Ethics and Rules of Conduct and related policy, rules/regulations, and laws.
- Prohibited: Posting on social media confidential information or information protected by law or policy.
- Prohibited: Cyberbullying. Cyberbullying is using information and communication technologies to support deliberate and hostile behavior by an individual or group with the intention of harming another person. Cyberbullying is also hurtful or harassing text messages or emails; rumors sent by email or posted on social networking sites; and embarrassing pictures, videos, websites, or fake profiles.

- Prohibited: Posting information or pictures on social media that actually or potentially compromise staff/public safety, undermine operations, or cause disruption or disharmony in the workplace.
- Prohibited: Posting, transmitting, reproducing, or disseminating unauthorized information (texts, pictures, official training, work assignments, video, audio, etc.) to the Internet or any other public or private forum that would tend to discredit or reflect unfavorably upon its employees/agents, the agency or other criminal justice / law enforcement agencies or impairs working relationships within the agency or with other entities.
- Prohibited: Creating an unauthorized site that appears to be an official ACC site. Also prohibited, posting images of agency logos, emblems, badges, and patches that specifically identify ACC in such a manner that would lead a viewer to believe the site was an official ACC site or was sanctioned by the agency; unless authorized by the Director or designee.

R-22. Contraband. Employees and agents must not introduce or attempt to introduce any illegal or unauthorized item (for example, cell phones or other communication devices or their components, tobacco products, drugs, weapons, etc.) into a facility owned, operated or contracted by ACC.

R-23. Safety. Employees and agents must observe fire prevention and other safety rules. The employees and agents must also drive safely and avoid accumulating excessive points on their driving record, otherwise, they may be prohibited from using a State vehicle, receiving personal vehicle mileage reimbursement, or employment may be terminated if driving is an essential function of their job.

R-24. Travel Reimbursement. Employees who travel on agency business must ensure that their travel plans have advance approval from their supervisor and that travel reimbursement requests are reasonable, accurate, and made in compliance with ACC policy.

R-25. Conflicts of Interest. Employees must comply with Arkansas law section 21-8-304, which describes the following prohibited activities:

- a. An employee must not use or attempt to use his or her official position to secure special privileges or exemptions for himself or herself or his or her spouse, child, parents, or other persons standing in the first degree of relationship, or for those with whom he or she has a substantial financial relationship that are not available to others except as may be otherwise provided by law.
- b. An employees must not accept employment or engage in any public or professional activity while serving as a public official which he or she might reasonably expect would require or induce him or her to disclose any information acquired by him or her by reason of his or her official position that is declared by law or regulation to be confidential.
- c. An employees must not disclose any such information gained by reason of his or her position, nor shall he or she otherwise use such information for his or her personal gain or benefit.

R-26. Relationships.

- a. **Business Relationships.** To avoid any conflict of interest, employees must adhere to Arkansas law section 19-11-705 in their relationships with businesses that provide services and supplies for state agencies. In addition, an employee who has or obtains any benefit from a state contract with a business in which the employee has a financial interest must make a disclosure to the Director of the Department of Finance and Administration (DFA) in accordance with Arkansas law section 19-11-706 and the DF&A Rules and Regulations for Implementing Governor's Executive Order 98-04.
- b. Employees and agents must not engage in sexual contact during assigned work hours or while on ACC premises or in ACC vehicles. Intimate contact by ACC employees while on duty is prohibited.
- c. Employees must not knowingly enter into a private business relationship or partnership, including financial transactions, with an offender or his/her family member while the offender is in ACC custody or under ACC supervision, unless the employee and offender are related. Agents are encouraged to abide by this.
- d. Employees must not enter into or continue associations or dealings with persons whom the employee knows or should know are reputed to be involved in criminal behavior, with the exception of associations or dealings necessary to perform official duties or when family relationships make such associations or dealings unavoidable. Agents are encouraged to abide by this.
- e. An employee must not knowingly establish or continue a social relationship with an offender as long as the offender is in ACC custody or under its supervision and for two years following the offender's release from custody or supervision unless the employee and offender are related.
- f. The ACC standard is zero tolerance for all forms of sexual abuse, sexual harassment and other harassment.

Any sexual contact, intercourse or deviant sexual activity between an offender under ACC supervision and an employee or agent — with or without the offender's consent — is expressly prohibited, unless the employee or agent is the spouse of the offender under ACC supervision. (Arkansas law sections 5-14-126 and 5-14-127)

Any sexual abuse of an offender under ACC supervision by an employee or agent is prohibited and is a violation of policy and Prison Rape Elimination Act (PREA) standards. Any attempt, threat, or request by an employee or agent to engage in sexual abuse activities is also prohibited.

- g. Business and intimate personal relationships between supervisors and subordinates are prohibited. Personal relationships include dating; cohabitation; touching; ogling, requiring some sexual performance for sexual gratification—even if it does not involve touching; and sexual relationships. Business relationships include loaning and borrowing money and business partnerships. ACC employees at different levels of the same chain of supervision must not engage in social relationships that are prejudicial to or compromising of good order and discipline.

R-27. Organizing Funds and Other Assets. Employees and agents who have access to ACC funds in any form must follow the prescribed procedures for recording, handling, and protecting money as detailed in DFA's Financial Management Guide and other official guidelines.

R-28. Agency Records and Communications. Employees and agents must not make or engage in any false record or communication, internal or external, such as false expense, attendance, production, financial or similar reports and statements; and false advertising, deceptive marketing practices, or other misleading representations. ACC books and records must reflect accurate and timely recordings of all business transactions.

When communicating publicly on matters that involve ACC business, employees and agents must not speak for ACC on any topic unless they are certain the views they express are those of ACC management and that it is ACC management's desire that such views be expressed publicly.

R-29. Partisan Political Activity. Employees and agents are encouraged to participate in election processes, but only on their own time. Annual, compensatory or holiday leave may be taken for this purpose. However, an employee must not endorse candidates in his or her official capacity as a State employee or engage in partisan political activity during the hours he/she is performing work for the state of Arkansas. Political banners, posters, literature, or any other political materials must not be displayed on State property (4-ACRS-7E-13).

R-30. Privacy and Confidentiality. An employee or agent must not disclose to any unauthorized person any information declared by law, policy, or regulation to be confidential nor use such information for his or her personal gain or benefit. When handling financial and personal information about those with whom ACC has dealings, the following principles must be observed:

- a. Collect, use and retain only the personal information necessary for ACC business. Whenever possible, obtain any relevant information directly from the person concerned. Use only reputable and reliable sources to supplement this information.
- b. Retain information only for as long as necessary or as required by law and policy. Protect the physical security of this information.
- c. Limit internal access to personal information to those with a legitimate business reason to have the information. Use personal information only for the legitimate business purpose for which it was obtained. Release of any information to persons not involved with the stated business purpose should be made by the Communications Office in response to a Freedom of Information Act request.

R-31. Discriminatory Behavior Prohibited. ACC does not condone, permit or tolerate discrimination of employees, applicants, agents, offenders, or members of the public. An employee or agent who knowingly permits, engages in or incites illegal discrimination, interferes with an investigation, or retaliates against anyone who has filed a complaint will be subject to disciplinary action up to and including termination of ACC employment. The agency's full non-discrimination policy statement is located in the "Equal Employment Opportunity and Affirmative Action Program" policy.

R-32. Professionalism. While on the job, an employee, or agent must demonstrate professionalism as follows:

- a. Courteous, Patient, and Respectful Attitudes. An employee or agent must be patient, courteous and respectful. An employee or agent must be tactful in the performance of his or her duties, control his or her temper, exercise patience and discretion, and not become involved in inappropriate arguments even in the face of provocation.
- b. Inappropriate Language and Gestures. An employee or agent must not use violent, profane, or insolent language or gestures while on duty and while on ACC property.
- c. Inappropriate Actions. An employee or agent must not engage in horseplay, fighting, practical jokes, or any other conduct that endangers the safety of any individual.

R-33. Private Conduct. An employee or agent must conduct him/herself at all times, both on and off the job, in a manner that reflects favorably on ACC. Conduct that is unbecoming includes that which damages the ACC image as a law enforcement/criminal justice agency or reflects discredit upon the character of the employee or agent as a member of ACC or impairs ACC operations.

R-34. Conformance to Laws and Rules. An employee or agent must not commit or omit acts that he or she knows, or should know, would constitute a violation of any written rules, regulations, procedures, directives, memoranda or ACC orders. ACC will not condone conduct that either violates or has the appearance of violating law and ethical provisions, such as receiving payments for illegal acts, indirect contributions, rebates or bribery.

An employee or agent arrested for a violation of law must immediately report that fact to a member of his/her supervisory chain. A conviction or admission of any violation that interferes with or impairs an employee's or agent's duties, public trust or the operations or efficiency of ACC must be considered some evidence constituting a violation of this policy. However, lack of a criminal complaint, charge, or disposition or an acquittal of a violation of law must not preclude internal administrative investigation and disciplinary action.

R-35. Responsibility to Report Ethics Violations, Fraud, Waste and Abuse. ACC employees and agents have a responsibility to report occurrences of ethical violations, fraud, waste or abuse of ACC resources that can be verified through investigation.